

1 BILL NO. S-87-04-59

2 SPECIAL ORDINANCE NO. S-112-87

3 AN ORDINANCE approving the Contract  
4 for Res. 6077-87 - N. Anthony Improve-  
5 ment Project, NIP Bond Issue, between  
6 Brooks Construction Company, Inc.,  
and the City of Fort Wayne, Indiana,  
in connection with the Board of  
Public Works and Safety.

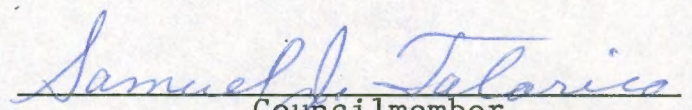
7 NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL  
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1. That the Contract for Res. 6077-87 - N.  
10 Anthony Improvement Project, NIP Bond Issue, by and between Brooks  
11 Construction Company, Inc., and the City of Fort Wayne, Indiana,  
12 in connection with the Board of Public Works and Safety, for:

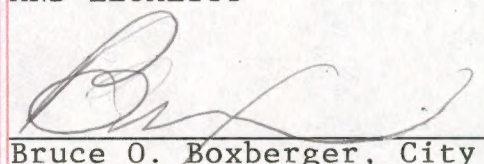
13 the construction of new curbs,  
14 driveway approaches for drainage  
15 (as required), yard walks for drain-  
16 age (as required), and Street Light-  
17 ing (NIP Project), as follows:  
(1) NorthAnthony Blvd. - From the  
North curb line of State Blvd.  
to the South curb line of Vance  
Avenue;

18 the Contract price is Two Hundred Fifty-One Thousand Six Hundred  
19 Twenty-Five and 23/100 Dollars (\$251,625.23), all as more particu-  
20 larly set forth in said Contract, which is on file in the Office  
21 of the Board of Public Works and Safety and, is by reference  
22 incorporated herein, made a part hereof, and is hereby in all  
23 things ratified, confirmed and approved. Two (2) copies of said  
24 Contract are on file with the Office of the City Clerk and made  
25 available for public inspection, according to law.

26 SECTION 2. That this Ordinance shall be in full force  
27 and effect from and after its passage and any and all necessary  
28 approval by the Mayor.

29  
30   
31 Councilmember

32 APPROVED AS TO FORM  
AND LEGALITY

  
Bruce O. Boxberger, City Attorney



Read the first time in full and on motion by Talarico  
seconded by Quinta, and duly adopted, read the second time  
by title and referred to the Committee Public Works (and the City  
Plan Commission for recommendation) and Public Hearing to be held after  
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,  
Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., E.

DATE: 4-28-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Talarico  
seconded by Stier, and duly adopted, placed on its  
passage. PASSED (~~POST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 5-12-87

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort  
Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. I-112-87  
on the 12th day of May, 1987.

ATTEST:

Sandra E. Kennedy

(SEAL)

Mark E. GiaQuinta

SANDRA E. KENNEDY, CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 13th day of May, 1987,  
at the hour of 11:30 o'clock A.M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 14th day of May,  
1987, at the hour of 11:00 o'clock A.M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR



**(Non-Federally Assisted Construction)**

PROJECT: NORTH ANTHONY BLVD. RESOLUTION # 6077-87  
NIP BOND ISSUE

**CONTENTS**

Check if contained	Pages	
X	1	Cover Sheet
X	II - I9	Instruction to Bidders
X	SI	Schedule
X		Schedule of Items (Itemized Proposal)
X	GP1 - GP7	General Provisions
X		Special Conditions
X		Plans and Specifications
X		Drawings
X		Improvement Resolution
X		Notice to Bidders

**ATTACHMENTS**

X		Non-Collusion Affidavit		
X		Bidder's Bond		
X		Performance Bond		
X		Sworn Experience Questionnaire		
X		Plan and Equipment Questionnaire		
X		Contractor Financial Statement 96-A		
X		Certificate in Lieu of Financial Statement		
X		Prevailing Wage Scale - State of Indiana		
X		Payment Bond		
X		Warranty Bond		
X		Barricade Information		
X		Certification of Bidder/Vendor on Anti-Apartheid		
Discount for prompt payment	10 Calendar Days	20 Calendar Days	30 Calendar Days	Other
	_____	_____	_____	_____
Acknowledgement of Amendments (See General Provisions Clause)	Amendment No.	Date	Amendment No.	Date

\*\*\*\*\*

**BID SUBMITTED**

Contractor Brooks Construction Company, Inc.  
By *J. R. Brooks*  
Its John R. Brooks, Secretary  
Offer  
Date April 1, 1987

Bidder agrees to keep bid open for  
acceptance for \_\_\_\_\_ (90 days  
unless otherwise specified)

Compliance: *J. Adams*

O.C. 12/84

B.O.W.. Non-Fed. \*Note: Award will be made on this form

**ACCEPTANCE OF BID/AWARD OF CONTRACT**

City of Fort Wayne  
Board of Public Works and Safety

*Cosette R. Smith*  
City of Fort Wayne  
Mayor

Award  
Date *4-8-87*

TO BE EXECUTED BY BIDDER AND SURETY COMPANY BEFORE DEPOSITING BID:

BIDDER'S BOND

Know All Men by These Presents:

That WE, BROOKS CONSTRUCTION COMPANY, INC. as principal  
and \_\_\_\_\_

and FIDELITY AND DEPOSIT COMPANY OF MARYLAND as sureties,

are held and firmly bound unto the City of Fort Wayne, Indiana, in the sum  
of FIVE PERCENT OF BID-----DOLLARS (\$ 5% OF BID ),

to be paid to the said City of Fort Wayne, Indiana, or its successors or  
assigns, for the payment of which, well and truly made, we hereby bind our-  
selves, our heirs, successors, executors and administrators, jointly and  
severally, firmly by these presents.

Signed and sealed at FORT WAYNE, IN., this 1ST

day of APRIL, 1987.

The condition of this obligation is such that if the accompanying bid or  
proposal of RESOLUTION NO. 6077-87, ANTHONY BLVD.

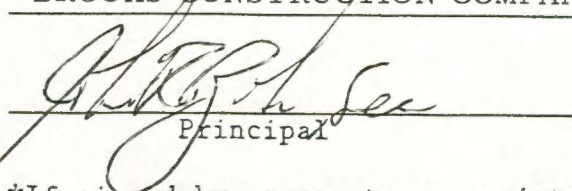
made this day to the City of Fort Wayne, State of Indiana, is accepted, and the  
contract awarded to the above bidder, and the bidder shall, within ten (10) days  
after such award is made, enter into a contract with the City of Fort Wayne,  
State of Indiana, for the work bid upon, and give bond as required; then this  
obligation shall be null and void; otherwise, it shall remain in full force and  
effect.

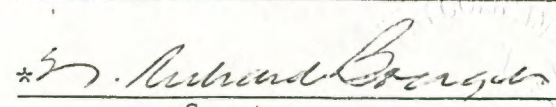
SIGNED at FORT WAYNE, IN.

this 1ST day of APRIL, 1987.

BROOKS CONSTRUCTION COMPANY, INC.

FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND

  
Principal

  
Surety

N. RICHARD BOERGER  
ATTORNEY-IN-FACT

\*If signed by an agent appropriate power  
of attorney shall be attached

Contract No.



Minority Business Enterprise (MBE) is a business of which at least 51% is owned and controlled by minority group members. ("Minority" means Black, Hispanic, American Indian, Asian, Pacific Islander, and Alaskan Native). The minority owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the minority owners must be real, substantiated and documented.

Women Business Enterprise (WBE) is a business of which at least 51% is owned and controlled by women. The women owners must exercise actual day-to-day management, as well as actively participate in management and policy decisions affecting the business. The contribution of capital, equipment or expertise made by the women owners must be real, substantiated and documented.

The contract for which this proposal/bid is prepared is governed by the MBE/WBE Ordinance. This form must be completed in order to be responsive to this IFB/RFP. If the participation goal of 7% for MBE and 2% for WBE are not met or exceeded in your bid or proposal, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated in determining whether the bidder/offeree is responsible.

A list of possible MBE/WBE contractors/suppliers are on file in the Compliance Office, Room 800, City-County Building, for Contractor review.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO THE MBE/WBE GOALS OF THE CITY FOR WORK DONE PURSUANT TO THIS CONTRACT:

- A. \_\_\_\_\_ The undersigned firm certifies that it is an MBE/WBE Contractor (cross out inapplicable provision).

For MBE specify percentage of minority ownership \_\_\_\_\_%.

For WBE specify percentage of women ownership \_\_\_\_\_%.

- B. \_\_\_\_\_ The undersigned certifies that they are a joint venture in which the following (MBE/WBE) firm \_\_\_\_\_ (cross out inapplicable provision) is a joint venture partner.



Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, ... and to affix the seal of the Company thereto."

does hereby nominate constitute and appoint N. Richard Boerger, Ronald L. Wightman and Marc Cook, Jr., all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 9th day of June, A.D. 1986.....



ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C W Robbins

Assistant Secretary

By

C M Pecot, Jr.

Vice-President

STATE OF MARYLAND  
CITY OF BALTIMORE

SS:

On this 9th day of June, A.D. 1986, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by Official Seal, at the City of Baltimore, the day and year first above written.



Carol J. Fader  
Notary Public (Commission Expires July 1, 1990)

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 1st day of August, 1987.....

M J Best  
Assistant Secretary



The MBE/WBE firm (cross out inapplicable provision) shall have \_\_\_\_\_% participation (employees) \_\_\_\_\_% participation (costs) in this project.

Specify the percentage of minority/women ownership in the MBE/WBE firm \_\_\_\_\_%. (cross out inapplicable provision)

- C. The undersigned commits 7 % of the total bid price as a subcontract to minority business enterprise participation. The MBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Gain Construction	217 West Washington	C.B. inlets adjustment
2. Fox Construction	5430 West Ferguson	of castings.
3.		

- D. The undersigned commits 2 % of the total bid price as a subcontract to women business enterprise participation. The WBE firms which are proposed as subcontractors are the following:

<u>Name of Firm</u>	<u>Address</u>	<u>Type of Work</u>
1. Statewide Trucking	7432 Lower Huntington	Trucking and Sand
2.		
3.		

- E. Complete (1) and (2) below if participation goals of 7% MBE and 2% WBE have not been met.

1. My Company cannot meet the participation goals for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

2. We have taken the following steps in an attempt to comply with these participation goals: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
(attach additional sheets as necessary)

Contractor Brooks Construction Co., Inc. Contractor \_\_\_\_\_

By  By \_\_\_\_\_

Its John R. Brooks, Secretary Its \_\_\_\_\_



14. Minority/Female Hourly Employment Requirements.

The City's policy is to encourage a greater utilization of minority and/or female employees in City construction projects. The Board has, therefore, adopted a minimum goal of 17% of the total work hours on each project to be expended by minority and/or female employees. ("Minority" shall include: Blacks, Hispanic, Asian, Pacific Islander, American Indian or Alaskan Native.)

The bidder shall state in "A" below the percentage of total work hours which the bidder and his subcontractors will employ and utilize women and minority employees on this project. If a contract is awarded as a result of this bid, the percentage figure set forth in "A" shall become contractually binding on the bidder. The successful bidder will also be required to prepare reports for the City demonstrating compliance with this percentage and will allow city officials access to his records, facilities and work site and to those of his subcontractors to determine compliance.

The bidder must fill in the required blanks in this clause in order to be responsive to this IFB. If the bidder does not meet or exceed the hourly utilization goal of 17% minority/female participation, the reasons for this failure and reasonableness and good faith of efforts to meet this goal shall be evaluated to determine whether the bidder is responsible.

THE FOLLOWING IS THE UNDERSIGNED'S COMMITMENT TO MINORITY/FEMALE HOURLY UTILIZATION.

A. The undersigned firm certifies that it will employ and utilize minorities and females and/or will ensure that its subcontractors employ and utilize minorities and females so that minorities and females will work at least 17% of the total hours worked on this project.

B. Complete (1) and (2) below if the hourly utilization figure set forth in "A" is less than 17%.

1. My Company and its subcontractors cannot meet the 17% minimum hourly utilization figure for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.



2. My Company has taken the following steps in an attempt to comply with the 17½ hourly utilization figure:

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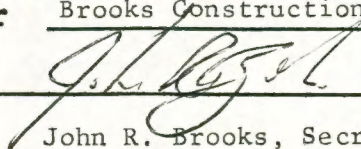
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(attach additional sheets if necessary)

Contractor Brooks Construction Company, Inc.

By

Its

  
John R. Brooks, Secretary

15. Required Prevailing Wage Schedule Payments - Pursuant to Indiana Code 5-16-7-1. All contractors and subcontractors working on the project awarded pursuant to this contract shall pay the prevailing wage rates for skilled, semi-skilled and unskilled laborers, workmen and mechanics. This wage determination has been made in accordance with the procedures set forth in Indiana Code 5-16-7-1. This determination and the required wage rates are available for examination by any prospective bidder at The Board of Public Works and Safety, 9th Floor, City-County Building, Fort Wayne, Indiana.

If a bidder is awarded a contract as a result of this Invitation for Bids, he/she/it shall file a schedule of wages, on forms provided by the City of Fort Wayne, demonstrating compliance with the wage rate determination. The successful prime contractor shall be responsible for obtaining schedules from all subcontractors. All schedules shall be filed before the contractor commences any work on the project.

Penalties for failure to pay the prevailing wage rate are set forth in Indiana Code 5-16-7-3.

16. Site Orientation. A site orientation (will/will not) be conducted by the City Engineers. If such an orientation is conducted, it will be held on the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, commencing at \_\_\_\_ o'clock \_\_\_\_ M. at the site of the project.

Regardless of whether a site orientation is conducted or not, bidders are required to visit the site of the work, and inform themselves fully of the conditions, under which the work will be performed. The bidders shall be responsible for all conditions that affect the work, including, but not limited to all sub-surface conditions.



CERTIFICATION OF BIDDER/VENDOR

The undersigned, on behalf of Brooks Construction Company, Inc.  
\_\_\_\_\_, does hereby make the following representations  
to the City of Fort Wayne, Indiana.


WHEREAS, it is acknowledged that the Common Council  
of the City of Fort Wayne, Indiana, has passed an ordinance con-  
demning the apartheid policies of the country of South Africa;

WHEREAS, Council's ordinance requires that all persons,  
firms or corporations submitting bids to the City, for goods and  
services, certify, as part of the bid, that such entity does not  
support the policies of apartheid in South Africa.

The undersigned states, on behalf of Brooks Construction Company, Inc.  
\_\_\_\_\_, that \_\_\_\_\_ they  
does not support or endorse the policy of apartheid in South Africa.

IN WITNESS WHEREOF, this Certification has been signed  
this 1st day of April, 19 87.

Brooks Construction Company, Inc.  
(Name of Bidder/Vendor)

  
(Name and Title of Person Signing)



STREET BARRICADE MAINTENANCE INFORMATION

Listed below are the names and telephone numbers of the persons responsible for the maintenance of the barricades necessary for the duration of this contract.

<u>NAME</u>	<u>TELEPHONE NUMBER</u>
Monte Vincenski	493-4391
Harold L. Hullinger	1-833-4697

Brooks Construction Company, Inc.  
Contractor

Resolution Number 6077-87



CERTIFICATE IN LIEU OF FINANCIAL STATEMENT


I, John R. Brooks, the Secretary  
(name)  
(position) of Brooks Construction Company, Inc.  
(company)

hereby certify:


(1) That the Financial Statement of said company, dated the 31st  
day of January, 19 87, now on file in the office of the Board of  
Public Works of the City of Fort Wayne, Indiana, which Financial Statement is by  
reference incorporated herein and made a part hereof, is a true and correct  
statement and accurately reflects the financial condition of said company as of  
the date hereof;

(2) That I am familiar with the books of said company showing its financial  
condition and am authorized to make this certificate on its behalf.

Dated: April 1, 1987

  
(signature)

SUBSCRIBED AND SWORN TO before me, a Notary Public, in and for said  
County and State, this 1st day of April, 19 87.

  
Sara R. Boardman

My commission expires:

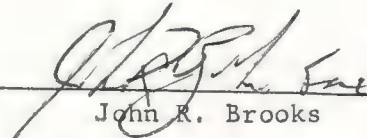
March 22, 1991



NON-COLLUSION AFFIDAVIT

The Bidder, by its officers and John R. Brooks


agents or representatives present at the time of filing this bid, being duly sworn on their oaths, say that neither they nor any of them have in any way, directly or indirectly, entered into any arrangement or agreement with any other bidder, or with any public officer of such City of Fort Wayne, Indiana, whereby such affiant or affiants or either of them, has paid or is to pay to such other bidder or public officer any sum of money, or has given or is to give such bidder or public officer anything of value whatever, or such affiant or affiants or either of them has not directly or indirectly, entered into any arrangement or agreement with any other bidder of bidders, which tends to or does lessen or destroy free competition in the letting of the contract sought for by the attached bids, that no inducement of any form or character other than that which appears upon the face of the bid will be suggested, offered, paid or delivered to any person whomsoever to influence the acceptance of the said bid or awarding of the contract, nor has this bidder any agreement or understanding of any kind whatsoever, with any person whomsoever to pay, deliver to, or share with any other person in any way or manner, any of the proceeds of the contract sought by this bid.

  
John R. Brooks

Subscribed and sworn to before me by John R. Brooks  
this 1st day of April, 19 87.

My Commission Expires:

March 22, 1991

  
Notary Public  
Resident of Whitley County, IN

-----  
Subscribed and sworn to before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
Resident of \_\_\_\_\_ County, IN

-----  
Subscribed and sworn to before me by \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

My Commission Expires:

\_\_\_\_\_  
Notary Public  
Resident of \_\_\_\_\_ County, IN

Contract No.





PAYMENT BOND

KNOW ALL MEN BY THESE PRESENTS: that

BROOKS CONSTRUCTION COMPANY, INC.

(Name of Contractor)

1123 BARTHOLD STREET, FORT WAYNE, IN 46808

(Address of Contractor)

a CORPORATION, hereinafter called Principal,  
(Corporation, Partnership or Individual)

and FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(Name of Surety)

and duly authorized to transact business in the State of Indiana, hereinafter called Surety, are held and firmly bound unto the City of Fort Wayne, and Indiana Municipal Corporation in the penal sum of TWO HUNDRED FIFTY ONE THOUSAND SIX HUNDRED TWENTY FIVE & 23/100 (Dollars (\$ 251,625.23)) for the payment whereof well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these present.

THE CONDITION OF THIS OBLIGATION is such that whereas, the Principal entered into a certain contract with the Owner, dated the 1ST day of APRIL 19 87, for the construction of:

RESOLUTION NO. 6077-87, ANTHONY BLVD.

all according to the "General and Detailed Specifications" as supplemented, and "Special Conditions" which together will be referred to as the Standard Specifications; and according to Fort Wayne Street Engineering Department Drawing No. PER SPECS Sheet No. PER SPECS. The Indiana State Highway Standard Specifications dated 1985 shall govern where the above specifications do not cover a specific term.

WHEREAS, said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alteration, or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work or to the specifications, and

WHEREAS, no final settlement between the Owner and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.



NOW, THEREFORE, if the Principal shall promptly make payment to all persons, firms, subcontractors, and corporations furnishing materials for or performing labor in the prosecution of the work provided for in such contract, and any authorized extension or modification thereof, including all amounts due for materials, lubricants, oil, gasoline, coal and coke, repairs on machinery, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums on said work, and for all labor, performed in such work whether by subcontractor or otherwise, then this obligation shall be void; otherwise to remain in full force and effect.

IN WITNESS WHEREOF, this instrument is executed ONE counterparts,  
(number)  
each one of which shall be deemed an original, this 1ST day of  
APRIL, 1987.

ATTEST:

\_\_\_\_\_  
(Principal) Secretary  
(SEAL)

Dennis M. Gilles  
Witness as to Principal

3136 Trenton Court  
(Address)

W. Wayne, Ind. 46808

ATTEST:

N/A  
(Surety) Secretary

(SEAL)

April L. Raerneck  
Witness as to Surety

304 Countessville Dr.  
(Address)

Osceola, IN 46777

BROOKS CONSTRUCTION COMPANY, INC.

Principal

By [Signature] (S)  
1123 BARTHOLD STREET

FORT WAYNE, IN 46808  
(Address)

FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND

Surety

By [Signature]  
Attorney-in-Fact  
N. RICHARD BOERGER

P.O. BOX 44049

(Address)

INDIANAPOLIS, IN 46244

NOTE: Date of Bond must not be prior to Date of Contract.

If Contractor is Partnership, all partners should execute bond.

Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

"The Chairman of the Board, or the President, or any Executive Vice-President, or any of the Senior Vice-Presidents or Vice-Presidents specially authorized so to do by the Board of Directors or by the Executive Committee, shall have power, by and with the concurrence of the Secretary or any one of the Assistant Secretaries, to appoint Resident Vice-Presidents, Assistant Vice-Presidents and Attorneys-in-Fact as the business of the Company may require, or to authorize any person or persons to execute on behalf of the Company any bonds, undertakings, recognizances, stipulations, policies, contracts, agreements, deeds, and releases and assignments of judgements, decrees, mortgages and instruments in the nature of mortgages, ... and to affix the seal of the Company thereto."

does hereby nominate constitute and appoint N. Richard Boerger, Ronald L. Wightman and Marc Cook, Jr., all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 9th day of June, A.D. 1986.....



ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C W Robbins

Assistant Secretary

By

C M Pecot Jr

Vice-President

STATE OF MARYLAND  
CITY OF BALTIMORE

SS:

On this 9th day of June, A.D. 1986, before me, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by Official Seal, at the City of Baltimore, the day and year first above written.



Notary Public (Commission Expires July 1, 1990)

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 1st day of April, 1987

Assistant Secretary



PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS, that

BROOKS CONSTRUCTION COMPANY, INC.

(Name of Contractor)

1123 BARTHOLD ST., FORT WAYNE, IN. 46808

(Address of Contractor)

a CORPORATION

(Corporation, Partnership, or Individual)

hereinafter called

Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND

(Name of Surety)

P.O. BOX 44049, INDIANAPOLIS, IN 46244

(Address of Surety)

and duly authorized to transact business in the State of Indiana, hereinafter called Surety, are held firmly bound unto the City of Fort Wayne, Indiana, an Indiana Municipal Corporation in the penal sum of TWO HUNDRED FIFTY ONE THOUSAND SIX HUNDRED TWENTY FIVE AND 23/100 dollars (\$ 251,625.23 ) for the payment whereof well and truly to be made, the Principal and the Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by those present.

The condition of the foregoing obligation is such that:

WHEREAS, the Principal entered into certain contract with the City, dated the 1ST day of APRIL, 19 87, for construction of:

RESOLUTION NO. 6077-87, ANTHONY BLVD.

all according to the "General and Detailed Specifications" as supplemented, and "Special Conditions" which together will be referred to as the Standard Specifications; and according to Fort Wayne Street Engineering Department Drawing No. PER SPECS Sheet No. PER SPECS. The Indiana State Highway Standard Specifications dated 1985 shall govern where the above specifications do not cover a specific term, and

WHEREAS, said Surety, for value received, hereby stipulates and agrees that no change, extension of time, alternation, or addition to the terms of the contract or to the work to be performed thereunder, or the specifications accompanying the same, shall in any way affect its obligation on this bond, and it does hereby waive notice of any such change, extension of time, alteration or addition to the terms of the contract, or to the work or to the specifications, and

WHEREAS, no final settlement between the City and the Contractor shall abridge the right of any beneficiary hereunder, whose claim may be unsatisfied.

NOW, THEREFORE, if the Principal shall well, truly and faithfully perform its duties, all the undertakings, covenants, terms, conditions, and agreements of said contract during the original term thereof, and any extensions thereof which may be granted by the Owner, with or without notice to the Surety and during the three years guaranty period, and if he shall satisfy all claims and demands incurred under such contract, and shall fully indemnify and save harmless the Owner from all costs and damages which it may suffer by reason of failure to do so, and shall reimburse and repay the Owner all outlay and expense which the Owner may incur in making good any default, then this obligation shall be void; otherwise to remain in full force and effect.



IN WITNESS WHEREOF, this instrument is executed in ONE  
(number)

counterparts, each one of which shall be deemed an original, this 1ST  
day of APRIL, 1987.

ATTEST:

(Principal) Secretary

[SEAL]

Donald M. Calkins  
(Witness as to Principal)

3136 Trenton Court  
(Address)

Fort Wayne, Ind. 46808

ATTEST:

N/A

(Surety) Secretary

[SEAL]

April L. Ruppelburg  
Witness as to Surety

304 Countryside Dr.  
(Address)

Ossian, IN 46777

BROOKS CONSTRUCTION COMPANY,  
(Principal) INC.

BY: [Signature] [S]

1123 BARTHOLD STREET  
(Address)

FORT WAYNE, IN. 46808

FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND

Surety

By N. Richard Boerger  
Attorney-in-Fact  
N. RICHARD BOERGER  
P.O. BOX 44049  
(Address)

INDIANAPOLIS, IN 46244

NOTE: Date of Bond must not be prior to date of Contract.  
If Contractor is Partnership, all partners should execute bond.

Power of Attorney  
FIDELITY AND DEPOSIT COMPANY OF MARYLAND

HOME OFFICE, BALTIMORE, MD.

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by C. M. PECOT, JR., Vice-President, and C. W. ROBBINS, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which reads as follows:

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does hereby nominate constitute and appoint N. Richard Boerger, Ronald L. Wightman and Marc Cook, Jr., all of Fort Wayne, Indiana, EACH.....

its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings.....

And the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, as fully and amply, to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the foregoing is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 9th day of June, A.D. 1986.....



ATTEST:

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

C W Robbins

Assistant Secretary

By

C M Pecot, Jr.

Vice-President

STATE OF MARYLAND  
CITY OF BALTIMORE

SS:

On this 9th day of June, A.D. 1986, before the subscriber, a Notary Public of the State of Maryland, in and for the City of Baltimore, duly commissioned and qualified, came the above-named Vice-President and Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed by Official Seal, at the City of Baltimore, the day and year first above written.



Notary Public (Commission Expires July 1, 1990)

CERTIFICATE

I, the undersigned, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the original Power of Attorney of which the foregoing is a full, true and correct copy, is in full force and effect on the date of this certificate; and I do further certify that the Vice-President who executed the said Power of Attorney was one of the additional Vice-Presidents specially authorized by the Board of Directors to appoint any Attorney-in-Fact as provided in Article VI, Section 2 of the By-Laws of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND.

This Certificate may be signed by facsimile under and by authority of the following resolution of the Board of Directors of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND at a meeting duly called and held on the 16th day of July, 1969.

RESOLVED: "That the facsimile or mechanically reproduced signature of any Assistant Secretary of the Company, whether made heretofore or hereafter, wherever appearing upon a certified copy of any power of attorney issued by the Company, shall be valid and binding upon the Company with the same force and effect as though manually affixed."

IN TESTIMONY WHEREOF, I have hereunto subscribed my name and affixed the corporate seal of the said Company, this 1st day of April, 1987

M J Best

Assistant Secretary

LI428a-Crf. -044-2974



BIB TAB

DATE: 4-1-87

BIDDER:

SIDDER:

PROJECT: ANTHONY BLVD N P/L S P/L VANCE

RES. NO: 6077-87

BROOKS CONST. CO., INC.

SPEARS-DEHNER, INC.

[illegible]

1% over	0.00%	1% over	2.02%
1% under	4.16%	1% under	0.00%

TITLE OF ORDINANCE Contract for Res. 6077-87, N. Anthony Improvement  
Project, NIP Bond Issue

DEPARTMENT REQUESTING ORDINANCE Board of Public Works & Safety S-87-04-59

SYNOPSIS OF ORDINANCE The Contract for Res. 6077-87 - N. Anthony Improvement

Project, NIP Bond Issue, is for the construction of new curbs, drive-  
way approaches for drainage (as required), yard walks for drainage  
(as required), and Street Lighting (NIP Project, as follows:

1) North Anthony Blvd. - From the North curb line of State Blvd.  
to the south curb line of Vance Avenue. Brooks Construction is  
the contractor.

EFFECT OF PASSAGE Improvement of above area.

EFFECT OF NON-PASSAGE

MONEY INVOLVED (DIRECT COSTS, EXPENDITURE, SAVINGS) \$251,625.23

ASSIGNED TO COMMITTEE



BILL NO. S-87-04-59

REPORT OF THE COMMITTEE ON PUBLIC WORKS

WE, YOUR COMMITTEE ON PUBLIC WORKS TO WHOM WAS  
REFERRED AN (ORDINANCE) (~~RESOLUTION~~)X approving the Contract  
for Res. 6077-87 - N. Anthony Improvement Project, NIP Bond Issue,  
between Brooks Construction Company, Inc., and the City of Fort  
Wayne, Indiana, in connection with the Board of Public Works and  
Safety

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION AND BEG  
LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID (ORDINANCE)  
(~~RESOLUTION~~)

YES

NO

Samuel J. Talarico SAMUEL J. TALARICO  
CHAIRMAN

[Signature] JANET G. BRADBURY  
VICE CHAIRPERSON

[Signature] PAUL M. BURNS

[Signature] JAMES S. STIER

Charles B. Redd CHARLES B. REDD

CONCURRED IN 5-12-87

SANDRA E. KENNEDY  
CITY CLERK